



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,515	01/30/2004	David R. Kandasamy	KAND-00101	8378

28960 7590 07/09/2008
HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

HANCE, ROBERT J

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,515	Applicant(s) KANDASAMY ET AL.	
	Examiner ROBERT HANCE	Art Unit 4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/03/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 28 recites the limitation "the remote host" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 28 will be examined as if it depends on claim 4, where "a remote host" is first introduced.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-6, 8-11, 15-18, 20, 24, 26, 28-35, 37-44, 46, 57-61, 63-65, 70 and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Vogel, US Pub No 2002/0184636.

As to claim 1 Vogel discloses a system comprising: a. a programmable first unit configured to translate programming information into one or more remote control codes

(Paragraphs 25-30; Fig. 1: – PC 5 receives programming information over the internet and directs a VCR to record the program via IR transmitter 6 using the code sequence required by the VCR); and b. a signal transmitter coupled to the first unit, the signal transmitter configured to translate the remote control codes into control signals for controlling a recording device and to transmit the control signals to the recording device (Paragraphs 29-33; Fig. 1: see IR transmitter 6).

As to claim 2 Vogel discloses the system of claim 1, wherein the first unit comprises a program server coupled to the signal transmitter (Paragraphs 25-26 - user selects the program to be recorded from a web-based television guide, i.e. a program server. This program is coupled to the signal transmitter via the Internet).

As to claim 4 Vogel discloses the system of claim 2, further comprising a remote host coupled to the program server and to the signal transmitter (Fig. 1: PC 5 is a host remote from the program server, and is connected to IR transmitter 6; Paragraphs 25-26), wherein the program server is configured to generate the programming information and the remote host is configured to receive the programming information and to translate the programming information into the remote control codes (Paragraphs 25-30).

As to claim 5 Vogel discloses the system of claim 4, wherein the program server is coupled to the remote host over a wide area network (Fig. 1: remote host PC 5 is connected to the program server via the Internet).

As to claim 6 Vogel discloses the system of claim 5, wherein the wide area network comprises the Internet (Fig. 1: remote host PC 5 is connected to the program server via the Internet).

As to claim 8 Vogel discloses the system of claim 1, wherein the programming information corresponds to an occurrence of a program (Paragraphs 25-30).

As to claim 9 Vogel discloses the system of claim 8, wherein the program is a broadcast video program (Paragraphs 25-30).

As to claim 10 Vogel discloses the system of claim 8, wherein the program is a broadcast audio program (Paragraph 47).

As to claim 11 Vogel discloses the system of claim 1, wherein the signal transmitter is programmed to automatically transmit the control signals to the recording device at programmed times (Paragraphs 27-29).

As to claim 15 Vogel discloses the system of claim 1, further comprising a recording device configured to receive the remote control signals (Paragraph 29 – a VCR receives the remote control signals).

As to claim 16 Vogel discloses the system of claim 15, wherein the recording device comprises a video cassette recorder (Paragraph 29 – a VCR receives the remote control signals).

As to claim 17 Vogel discloses the system of claim 15, wherein the recording device comprises a digital video recorder (Paragraph 47).

As to claim 18 Vogel discloses the system of claim 15, wherein the recording device comprises an audio recorder (Paragraph 47).

As to claim 20 Vogel discloses the system of claim 2, wherein the program server is configured to select one or more programs from a pool of programs, thereby generating a list of programming information (Paragraphs 25-28 – programs are selected from a list of broadcast programs, and the programs selected to be recorded are placed into a record queue).

As to claim 24 Vogel discloses the system of claim 1, wherein the signal transmitter is coupled to the recording device by an infra red transmitter (Fig. 1: 6; Paragraphs 29-33).

As to claim 26 Vogel discloses the system of claim 1, wherein the signal transmitter is coupled to the recording device by a serial bus (Paragraph 48).

As to claim 28 Vogel discloses the system of claim 3, wherein the remote host and the signal transmitter are a single machine (Fig. 1: remote host 5 is connected serially to IR transmitter 6 via serial link. See Paragraph 30. The American Heritage Dictionary defines "machine" as "A system or device for doing work, . . . , together with its power source *and auxiliary equipment*. Therefore the remote host 5 and IR transmitter 6 of Fig. 1 is a single machine).

As to claim 29 see similar rejection to claim 1. The system of claim 29 corresponds to the system of claim 1. Therefore claim 29 has been analyzed and rejected.

As to claim 30 Vogel discloses a method of recording a program, the method comprising: a. transmitting one or more remote control codes to a first device; b. receiving the remote control codes on the first device (Paragraphs 29-30 – remote

control code sequences are transmitted from PC 5 to IR transmitter 6); c. translating the remote control codes into control signals to control a recording device to record a program (Paragraph 30 - IR transmitter 6 includes circuitry to translate codes into signals); and d. transmitting the control signals from the first device to the recording device (Paragraphs 29-33).

As to claim 31 Vogel discloses the method of claim 30, further comprising translating programming information related to the occurrence of a program into a sequence of the remote control codes (Paragraphs 25-30).

As to claim 32 Vogel discloses the method of claim 31, wherein the sequence of remote control codes corresponds to a key sequence for recording a program (Paragraph 29).

As to claim 33 Vogel discloses the method of claim 32, wherein the program is a broadcast video program (Paragraphs 25-26).

As to claim 34 Vogel discloses the method of claim 32, wherein the program is a broadcast audio program (Paragraph 47).

As to claim 35 Vogel discloses the method of claim 32, wherein the remote control codes are transmitted to the first device at programmed times (Paragraphs 28-30).

As to claim 37 Vogel discloses the method of claim 30, wherein the recording device comprises a video cassette recorder (Paragraph 29-33).

As to claim 38 Vogel discloses the method of claim 30, wherein the recording device comprises a digital video recorder (Paragraph 47).

As to claim 39 Vogel discloses the method of claim 30, wherein the recording device comprises an audio recorder (Paragraph 47).

As to claim 40 Vogel discloses the method of claim 30, further comprising presenting a pool of programs from which one or more programs can be selected for recording (Paragraphs 25-26).

As to claim 41 Vogel discloses the method of claim 31, further comprising: a. selecting one or more programs from the pool of programs; and b. translating programming information related to the occurrences of the programs into the remote control codes (Paragraphs 25-30).

As to claim 42 Vogel discloses the method of claim 41, wherein selecting a program is performed on second device coupled to the first device (Paragraphs 25-26 – selection of programs is performed on a webpage, which is hosted on an HTTP server coupled to the home PC via the Internet. See Fig. 1).

As to claim 43 Vogel discloses the method of claim 42, wherein the first device is coupled to the second device over a wide area network (Paragraphs 25-26 – selection of programs is performed on a webpage, which is hosted on an HTTP server coupled to the home PC via the Internet. See Fig. 1).

As to claim 44 Vogel discloses the method of claim 43, wherein the wide area network comprises the Internet (Paragraphs 25-26 – selection of programs is performed on a webpage, which is hosted on an HTTP server coupled to the home PC via the Internet. See Fig. 1).

As to claim 46 Vogel discloses the method of claim 41, wherein selecting the programs and translating the programming information are performed on a single machine. (Fig. 1: remote host 5 is connected serially to IR transmitter 6 via serial link. See Paragraph 30. The American Heritage Dictionary defines "machine" as "A system or device for doing work, . . . , together with its power source *and auxiliary equipment*. Therefore the remote host 5 and IR transmitter 6 of Fig. 1 is a single machine).

As to claim 57 Vogel discloses a network of devices comprising: a. a program server configured to select one or more programs from a pool of programs, thereby generating a list of programming information, the program server further configured to translate the list of programming information into remote control codes (Paragraphs 25-29; Fig. 1 – program server (PC 5) selects programs from a guide (i.e. a pool of programs), places programs to be recorded into a queue, and sends a "start VCR" command to IR transmitter 6); b. a signal transmitter configured to receive the remote control codes from the program server, the signal transmitter configured to translate the remote control codes into control signals and to transmit the control signals to a recording device (Paragraphs 29-30; Fig. 1; IR transmitter 6 translates remote control codes into modulated IR signals); and c. a recording device configured to receive the control signals for recording a program (Paragraphs 29-33 – a VCR receives remote control codes from IR transmitter 6).

As to claim 58 Vogel discloses the network of devices of claim 57, wherein the programming information corresponds to the occurrence of a broadcast program (Paragraphs 25-30).

As to claim 59 Vogel discloses the network of devices of claim 58, wherein the broadcast program is a broadcast video program (Paragraphs 25-30).

As to claim 60 Vogel discloses the network of devices of claim 58, wherein the broadcast program is a broadcast audio program (Paragraph 47).

As to claim 61 Vogel discloses the network of devices of claim 57, wherein the signal transmitter is programmed to automatically transmit the remote control codes to the recording device at programmed times (Paragraphs 27-30).

As to claim 63 Vogel discloses the network of devices of claim 57, wherein the recording device comprises a video cassette recorder (Paragraph 29).

As to claim 64 Vogel discloses the network of devices of claim 57, wherein the recording device comprises a digital video recorder (Paragraph 47).

As to claim 65 Vogel discloses the network of devices of claim 57, wherein the recording device comprises an audio recorder (Paragraph 47).

As to claim 70 Vogel discloses the network of devices of claim 57, wherein the signal transmitter comprises an infra red transmitter electronically coupling the signal transmitter and the recording device (Fig. 1; Paragraphs 29-33).

As to claim 72 Vogel discloses the network of devices of claim 57, wherein the signal transmitter comprises a serial bus electronically coupling the signal transmitter and the recording device (Paragraph 48).

Claim Rejections - 35 USC § 103

Art Unit: 2623

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel, US Pub No 2002/0184636 in view of Iwase, Japanese Patent No. JP 2003009265A.

As to claim 3 Vogel discloses that the program server is configured to generate the programming information (Paragraphs 25-26).

Vogel fails to disclose that the server translates the programming information into the remote control codes. However, in an analogous art, Iwase discloses a server that translates commands into remote control codes and transmits these codes to a user (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel with the teachings of Iwase by having the program server transmit the remote control codes. The rationale for this modification would have been to have the server maintain a database of remote control codes, thereby simplifying the process of programming the IR transmitter for individual VCRs. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

7. Claims 7, 12, 25, 36, 45, 50-51, 55-56, 62 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel, US Pub No 2002/0184636.

As to claim 7 Vogel fails to disclose the system of claim 4, wherein the program server is coupled to the remote host over a local area network. However, Examiner takes official notice of the fact that it would have been obvious to one of ordinary skill in the art at the time of the invention to use a local area network in place of the Internet in the invention of Vogel. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel by using a local area network connection in place of an internet connection. The rationale for this modification would be that it would be useful in a situation where the program server and the remote host are in the same location. In this situation, it would make more sense to use a local area network connection, which is more reliable than an internet connection. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 12 Vogel discloses another similar invention which downloads program information from a program server in order to program the recording device to automatically record a program at a programmed time (Paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the embodiments disclosed by Vogel. The rationale for this modification would have been to first schedule a program for recording, and further to update the recording time of the

program in the event of a schedule change. This way, the program would still be recorded if the power to the computer and IR transmitter is cut off at the program's broadcast time. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 25 Vogel fails to disclose the system of claim 1, wherein the signal transmitter is coupled to the recording device by a radio frequency transmitter. However, Examiner takes official notice of the fact that remote control devices which transmit over radio frequency were well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel by using a remote controller which transmits RF signals instead of IR. The rationale for this modification would have been to eliminate the line-of-sight requirement associated with IR-transmitting remote control devices. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 36 Vogel discloses another similar invention wherein the remote control codes relate to programming the recording device to record a program at a programmed time (Paragraph 6).

As to claim 45 Vogel fails to disclose the method of claim 43, wherein the first device and the second device are coupled over a local area network. However, Examiner takes official notice of the fact that it would have been obvious to one of ordinary skill in the art at the time of the invention to use a local area network in place of the Internet in the invention of Vogel. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel by using a local area network connection in place of an internet connection. The rationale for this modification would be that it would be useful in a situation where the program server and the remote host are in the same location. In this situation, it would make more sense to use a local area network connection, which is more reliable than an internet connection. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 50 Vogel discloses a method of recording a program, the method comprising: a. wirelessly receiving programming information corresponding to the broadcast of the program (Paragraphs 36-40); and storing the program (Paragraphs 25-30; Paragraphs 36-40 – in this second embodiment, Vogel explains that the invention functions similarly to the first embodiment described in Paragraphs 25-35, with the only difference being that the program information is received wirelessly via a radio receiver. See Paragraph 36).

In this embodiment, Vogel fails to disclose tuning a receiver according to the programming information to receive the program. However, in another embodiment, Vogel discloses tuning a program receiver to a channel according to the channel information associated with a program item selected for recording (Paragraph 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel by tuning the receiver to the channel on which the program to be recorded is to be broadcast. The rationale for this modification would have been to ensure that the proper channel is recorded by first tuning the receiver to that channel. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 51 Vogel discloses the method of claim 50, further comprising selecting one or more programs from a pool of programs, thereby generating a list of programming information, and wirelessly transmitting the list to the receiver (Programs are selected from a list of broadcast programs (i.e. a pool of programs), and the programs selected to be recorded are placed into a record queue. The information contained within the record queue is transmitted to the recording device as well as the receiver (in order to tune to the proper channel) when the programs are to be recorded. Therefore the list is transmitted to the receiver).

As to claim 55 Vogel discloses the method of claim 50, wherein the program is a broadcast video program (Paragraphs 25-30).

As to claim 56 Vogel discloses the method of claim 50, wherein the program is a broadcast audio program (Paragraph 47).

As to claim 62 Vogel discloses a similar invention wherein the remote control codes program the recording device to record the program at a programmed time (Paragraph 6).

As to claim 71 Vogel fails to disclose the network of devices of claim 57, wherein the signal transmitter comprises a radio frequency transmitter electronically coupling the signal transmitter and the recording device. However, Examiner takes official notice of the fact that remote control devices which transmit over radio frequency were well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel by using a remote controller which transmits RF signals instead of IR. The rationale for this modification would have been to eliminate the line-of-sight requirement associated with IR-transmitting remote control devices. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

8. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel, US Pub No 2002/0184636 in view of Rhoads, US Pub No 2002/0142765.

As to claim 13 Vogel fails to disclose the system of claim 1, wherein the signal transmitter comprises a personal digital assistant. However, in an analogous art, Rhoads discloses using a PDA as a wireless remote control (Paragraphs 19, 26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel with the teachings of Rhoads. The rationale for this modification would have been to allow viewers to use their existing PDAs, which are programmable and upgradeable, as remote control, rather than forcing them to buy new equipment. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 14 Vogel fails to disclose the system of claim 1, wherein the signal transmitter comprises a cellular phone. However, in an analogous art, Rhoads discloses using a cellular phone as a remote control (Paragraphs 19, 28).

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel, US Pub No 2002/0184636 in view of Stonedahl, US Pub No 2002/0199198.

As to claim 19 Vogel discloses a programmable digital recorder configured to receive remote control codes over a wireless receiver from a program server at programmed times (Paragraphs 25-33 – the control information is sent from the program server to the remote host, then to the digital recorder, thus the control codes are received from the program server).

Vogel fails to disclose that the audio recorder of claim 18 comprises: a. a wireless receiver; b. an audio tuner coupled to the wireless receiver; and C. a programmable digital recorder coupled to the audio tuner. However, in an analogous art, Stonedahl discloses a radio receiver which is capable of digitally recording broadcast programs when a user activates a record command from a remote control (Paragraph 43). Thus the remote sends signals via a wireless receiver to the digital recorder, which is coupled to the audio tuner, and the audio tuner is coupled to the wireless receiver via the digital recorder. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel with the teachings of Stonedahl. The rationale for this modification would have been to enable the invention of Vogel to digitally record broadcast radio programs. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

10. Claims 21-23, 47-49, 52-54, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel, US Pub No 2002/0184636 in view of Williamson et al., US Pub No 2003/0208767.

As to claim 21 Vogel fails to disclose the system of claim 20, wherein the program server is configured to select the one or more programs using a selection criterion. However, in an analogous art, Williamson et al. disclose searching for

programs using a selection criterion (Paragraph 136). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel with the teachings of Williamson et al. by selecting a program based on various selection criteria. The rationale for this modification would have been to simplify the searching process through which a user must go in order to find a program he wishes to record. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 22 the combined systems of Vogel and Williamson disclose the system of claim 21, wherein the selection criterion is that a segment of a program title matches a target string. In particular, Williamson et al. disclose searching for a program by title (Paragraph 136).

As to claim 23 the combined systems of Vogel and Williamson disclose the system of claim 21, wherein the selection criterion is that a season number of a program matches a predetermined season number. In particular, Williamson et al. disclose searching for a program by season (Paragraph 136).

As to claim 47 the combined systems of Vogel and Williamson disclose the method of claim 41, wherein the selected programs are selected according to a selection criterion. In particular, Williamson et al. disclose searching for programs using a selection criterion (Paragraph 136).

As to claim 48 the combined systems of Vogel and Williamson disclose the method of claim 47, wherein the selection criterion is that a segment of a program title matches a target string. In particular, Williamson et al. disclose searching for a program by title (Paragraph 136).

As to claim 49 the combined systems of Vogel and Williamson disclose the method of claim 47, wherein the selection criterion is that a season number of a program matches a predetermined season number. In particular, Williamson et al. disclose searching for a program by season (Paragraph 136).

As to claim 52 the combined systems of Vogel and Williamson disclose the method of claim 51, wherein the one or more programs are selected from a pool of programs using a selection criterion. In particular, Williamson et al. disclose searching for programs using a selection criterion (Paragraph 136).

As to claim 53 the combined systems of Vogel and Williamson disclose the method of claim 52, wherein the selection criterion is that a segment of a program title matches a target string. In particular, Williamson et al. disclose searching for a program by title (Paragraph 136).

As to claim 54 the combined systems of Vogel and Williamson disclose the method of claim 52, wherein the selection criterion is that a season number of a program matches a predetermined season number. In particular, Williamson et al. disclose searching for a program by season (Paragraph 136).

As to claim 69 the combined systems of Vogel and Williamson disclose the network of devices of claim 57, wherein the program server is configured to select one

or more programs from the pool of programs using a selection criteria. In particular, Williamson et al. disclose searching for programs using a selection criterion (Paragraph 136).

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel, US Pub No 2002/0184636 in view of Applicant's Admitted Prior Art (AAPA).

As to claim 27 Vogel fails to disclose the system of claim 1, further comprising a radio frequency extender coupling the first unit to the recording device. However, AAPA discloses that radio frequency extenders were well known to those skilled in the art at the time of the invention (Page 37 lines 15-26 of the specification). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel with the teachings of AAPA by coupling the first unit to the recording device through a radio frequency extender. The rationale for this modification would have been to allow for the IR remote control signals to pass through obstacles such as walls. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

12. Claims 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel, US Pub No 2002/0184636 in view of Leung et al., US Patent No 6,005,870.

As to claim 66 Vogel fails to disclose that the program server is coupled to the signal transmitter over a local area network. However, in an analogous art, Leung discloses remotely controlling home appliances and the like via a network (col. 2 lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vogel with the teachings of Leung et al. by connecting the program server to the IR transmitter by a network connection such as a LAN, a WAN or the Internet. The rationale for this modification would have been to allow for the program server to control the IR transmitter from a remote location. In this manner, a user can control the recording of programs from a different room in the same house, or from a distant location. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 67 the combined systems of Vogel and Leung disclose the network of devices of claim 57, wherein the program server is coupled to the signal transmitter over a wide area network. In particular, Leung discloses remotely controlling home appliances and the like via a network (col. 2 lines 44-57).

As to claim 68 the combined systems of Vogel and Leung disclose the network of devices of claim 67, wherein the wide area network comprises the Internet. In particular, Leung discloses remotely controlling home appliances and the like via a network (col. 2 lines 44-57).

13. Claims 73-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, US Pub No 2003/0159043 in view of Vogel, US Pub No 2002/0184636.

As to claim 73 Epstein discloses a system comprising: a. a program signal source for receiving a program signal (Fig. 1: 104); b. a first device coupled to the program signal source, the first device for transmitting the program signal (Fig. 1: 101); c. a second device configured to receive and store the transmitted program signal (Fig. 1: 107).

Epstein fails to disclose a signal transmitter configured to transmit remote control codes to the program signal source, thereby controlling the transmission of program signals from the first device to the second device. However, in an analogous art, Vogel discloses a signal transmitter configured to transmit remote control codes to control the recording of broadcast television programs and to control to which channel a receiver is tuned (Paragraphs 15; 25-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Epstein with the teachings of Vogel. The rationale for this modification would have been to remotely control which programs are to be displayed and/or recorded on the display device. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 74 Epstein discloses a program signal source that is a cable box (Paragraph 39; Fig. 2). It would have been obvious to one of ordinary skill in the art at

Art Unit: 2623

the time of the invention to modify the invention of Epstein as modified with this second embodiment. The rationale for this modification would have been to enable a viewer to receive cable television programming. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 75 Epstein fails to disclose the system of claim 73, wherein the second device comprises a digital video recorder (Paragraph 39). However, Vogel discloses recording broadcast television programs on a digital video recorder (Paragraph 47). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Epstein with the teachings of Vogel. The rationale for this modification would have been to enable a viewer to record broadcast programs in high-quality digital format. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 76 Epstein fails to disclose the system of claim 73, wherein the second device comprises a video cassette recorder. However, Vogel discloses recording broadcast television programs on a VCR (Paragraphs 25-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Epstein with the teachings of Vogel. The rationale for this modification would have been to enable a viewer to record broadcast programs on their VCR. All the

claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 77 Epstein fails to disclose the system of claim 73, wherein the first device is configured to transmit the program signal using radio frequency waves and the signal transmitter is configured to transmit the remote control codes using radio frequency waves. However, Examiner takes official notice of the fact that transmitting program signals and remote control codes using radio frequency waves was well known in the art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Epstein as modified by transmitting program signals and remote control codes using radio frequency waves. The rationale for this modification would have been to use well-known transmission schemes for broadcast television and to eliminate the line-of-sight requirement associated with IR-transmitting remote control devices. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 78 Epstein fails to disclose the system of claim 73, further comprising a program server coupled to the second device, the program server configured to transmit the remote control codes to the second device, the remote control

codes related to the recording of a program. However, Vogel discloses a program server that is configured to transmit remote control codes to a recording device, the remote control codes related to the recording of a program (Paragraphs 25-33).

As to claim 79 Epstein fails to disclose the system of claim 78, wherein the program is a broadcast video program. However, Vogel discloses that the program is a broadcast video program (Paragraphs 25-33).

As to claim 80 Epstein fails to disclose the system of claim 78, wherein the program is a broadcast audio program. However, Vogel discloses that the program is a broadcast audio program (Paragraph 47).

14. Claims 81-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein in view of Vogel as applied to claim 78 above, and further in view of Leung et al., US Patent No 6,005,870.

As to claim 81 Epstein as modified fails to disclose the system of claim 78, wherein the program server is coupled to the second device over a wide area network. However, in an analogous art, Leung discloses remotely controlling home appliances and the like via a network (col. 2 lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Epstein as modified with the teachings of Leung et al. by connecting the program server to the IR transmitter by a network connection such as a LAN, a WAN or the Internet. The rationale for this modification would have been to allow for the program server to control the IR transmitter from a remote location. In this manner, a user can control the

Art Unit: 2623

recording of programs from a different room in the same house, or from a distant location. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 82 the combined systems of Epstein, Vogel and Leung disclose the system of claim 81, wherein the wide area network comprises the Internet. In particular, Leung discloses remotely controlling home appliances and the like via a network (col. 2 lines 44-57).

As to claim 83 the combined systems of Epstein, Vogel and Leung disclose the system of claim 78, wherein the program server is coupled to the second device over a local area network. In particular, Leung discloses remotely controlling home appliances and the like via a network (col. 2 lines 44-57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ROBERT HANCE
Examiner
Art Unit 2623

/ROBERT HANCE/
Examiner, Art Unit 2623

/Christopher Grant/

Supervisory Patent Examiner, Art Unit 2623